

Remarks

Applicants respectfully request reconsideration of the rejection of the claims in view of the above amendments and the remarks set forth below. Claim 23 remains in the application. Claim 23 was previously presented. Claims 1-22 are canceled. Claims 24- 41 are new.

35 U.S.C. §112

Claims 7 and 11 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 7 and 11 have been canceled.

35 U.S.C. §103

Claims 1, 5-7, 9, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Okoshi et al. in view of Chida et al and Hayworth et al and in further view of Horton. Claims 1, 5-7, 9, and 10 have been canceled.

Claims 3, 4 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Okoshi et al. in view of Chida et al and Hayworth et al and Horton, and further in view of Hamisch et al. or Henderson et al. Claims 3, 4, and 22 have been canceled.

Non-Statutory Double Patenting

Claim 23 is rejected on the ground of nonstatutory obvious type double patenting as being unpatentable over claim 5 of US Patent 7, 464,590 in view of Okoshi et al. To overcome this rejection, applicants attach herewith a terminal disclaimer, disclaiming the term of any patent issuing on the above-identified application extending beyond the term of US Patent 7,464,590. Applicants respectfully requests reconsideration of the rejection of claim 23 in view of the above remarks.

New Claims

New claim 24 contains the limitations of original claim 3, now cancelled.
New claim 25 contains the limitations of original claim 4, now cancelled.
New claim 26 contains the limitations of original claim 5, now cancelled.
New claim 27 contains the limitations of original claim 6, now cancelled.
New claim 28 contains the limitations of original claim 7, now cancelled.
New claim 29 contains the limitations of original claim 11, now cancelled.
New claim 30 contains the limitations of original claim 9, now cancelled.
New claim 31 contains the limitations of original claim 10, now cancelled.
New claim 32 contains the limitations similar to those found in claim 23.
New claim 33 contains the limitations of original claim 2, now cancelled.
New claim 34 contains the limitations of original claim 4, now cancelled.
New claim 35 contains the limitations of original claim 6, now cancelled.
New claim 36 contains the limitations of original claim 11, now cancelled.
New claim 37 contains the limitations similar to those found in claim 23.
New claim 38 contains the limitations of original claim 2, now cancelled.
New claim 39 contains the limitations of original claim 4, now cancelled.
New claim 40 contains the limitations of original claim 6, now cancelled.
New claim 41 contains the limitations of original claim 11, now cancelled.

New claims 24 - 41 should therefore be allowable and notice to that effect is earnestly solicited.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (317) 587-4027, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fees, other than those discussed above, are believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

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